

REMARKS

Claims 1 – 11 and 125 – 166 are currently pending in the present application. Favorable consideration and allowance are respectfully requested of these claims.

Applicants thank the Examiner for the careful consideration and examination of this case and the indication that claims 151, 152 and 157 – 161 are allowable is acknowledged with appreciation.

New claims 162-166 depend from claim 1 and are directed to various forms in which the compound may provided.

The rejection of claims 1, 3 and 5 under 35 U.S.C. § 112, second paragraph, as indefinite, is respectfully traversed.

These claims are amended to reflect the language of the proviso appearing on page 31 of specification, as kindly suggested by the Examiner in the recent Office Action. The claims also reflect the proviso appearing on page 29 of the specification. In particular, the line indentation used on these pages of the specification is adopted into the present claims so as to avoid any ambiguity. As amended, the claims are believed to be definite, and reconsideration and withdrawal of this rejection are respectfully requested.

The rejection of claims 153 – 156 under 35 U.S.C. § 112, second paragraph, as indefinite, is respectfully traversed.

These claims and specification are amended to recite R⁶ instead of R⁰⁶ in these claims and in paragraph [0069]. Accordingly, this typographical error is corrected and the claim terms have proper antecedent basis and support in the specification. Reconsideration and withdrawal of this rejection are respectfully requested.

The rejection of claims 2, 4, 6 – 11 and 125 – 149 under 35 U.S.C. § 112, second paragraph, as indefinite, is respectfully traversed. These claims were rejected for their dependence from a rejected base claim. The rejections of the

base claims have been addressed above. Accordingly, these claims are believed to be in allowable form. Reconsideration and withdrawal of this rejection are respectfully requested.

The rejection of claims 1 – 11 and 125 – 150, for provisional obviousness-type double patenting, is respectfully traversed.

The remarks and amendments above are believed to address all of the rejections with the exception of the provisional obviousness-type double patenting (OTDP) rejection. MPEP § 804(I)(B) indicates that a provisional OTDP over another application should be made unless the provisional double patenting rejection is the only rejection remaining in at least one of the applications. In particular, the MPEP states that:

The “provisional” double patenting rejection should continue to be made by the examiner in each application as long as there are conflicting claims in more than one application unless that “provisional” double patenting rejection is the only rejection remaining in >at least< one of the applications.

In the present instance, the other application (10/758,241) has not yet been examined. Because the claims in the present application are otherwise allowable, the Office should withdraw the provisional OTDP rejection in the present case and allow it to issue. Reconsideration and withdrawal of this provisional rejection are therefore respectfully requested.

CONCLUSION

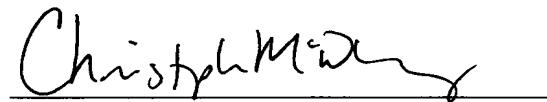
In view of the foregoing, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket No. 029310.53136US).

Respectfully submitted,

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